

<b>Notice of Allowability</b>	Application No.	Applicant(s)	
	09/651,362	ENDO, HIROSHI	
	Examiner	Art Unit	
	Brian D. Nguyen	2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to the amendment filed on 2/3/05.
2.  The allowed claim(s) is/are 2-4, 20-24, and 26-45 (renumbered 1-28, respectively).
3.  The drawings filed on 2/3/05 & 8/28/00 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date 07282005.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.



7/28/05

BRIAN NGUYEN

Notice of Allowability **PRIMARY EXAMINER** of Paper No./Mail Date 07282005

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Nick Bromer on 7/28/05.

3. The application has been amended as follows:

Claim 2, line 4, replace “**a** sender side” with --**the** sender side--. In line 9, replace “**a** receiver side” with --**the** receiver side--.

Claim 20, line 4, replace “**a** sender side” with --**the** sender side--. In line 11, delete “**the**” before “data to be sent from”. In line 34, insert --**said**-- before “gateway device”. In line 35, insert --**said**-- before “facsimile device”. In line 39, replace “**the** non-standard function” with --**a** non-standard function--.

Claim 23. (**Currently Amended**) A facsimile communication system comprising:

a first facsimile device on a sender side;

a first gateway device on the sender side connectable through a first telephone line to the first facsimile device;

a second gateway device on a receiver side connectable to the first gateway device through a communication line to which a protocol different from that applied to the first telephone line is applied;

a second facsimile device on the receiver side connectable to the second gateway device on the receiver side through a second telephone line to which the same protocol as is applied to the first telephone line is applied;

a picture data accumulating memory comprised in the second gateway device; and circuitry sending picture data from the picture data accumulating memory to the second facsimile device only after a preset interval of time, the preset interval of time being less than a communication failure time interval at which communication among the gateway devices and the facsimile devices is interrupted by at least one of those devices, due to a communication delay in the communication line, wherein the circuitry calculates the communication delays in the communication line for every communication prior to the receipt of data from the first gateway device and, when said second gateway device judges that communication failures may occur due to the calculated communication delays, stores required amounts of data in the accumulating memory based on the calculated communication delays.

Claim 25 is cancelled.

Claim 28, line 8, insert --second-- before "gateway device" and delete "on the receiver" after "gateway device".

Claim 31, line 7, replace "the time" with --a time--. In line 8, replace "data exceeds the" with --data exceeds a--.

Claim 32, line 2, replace "receiving all the data" with --receiving all data--. In line 4, replace "the gateway" with --the second gateway device--.

Claim 37, line 3, insert --(NSF)-- after "function".

Claim 39, line 2, replace “**the** discontinue” with --a discontinue--. In line 3, replace “**the** communication ending signal” with --a communication ending signal--.

Claim 40, line 3, replace “being **the**” with --being a--. In line 5, replace “between first gateway device and first facsimile device” with --between **said** first gateway device and **said** first facsimile device--.

Claim 42, line 2, replace “**the** non-standard” with --a non-standard--.

Claim 43, line 3, replace “**the** non-standard function” with --a non-standard function--.

### *Conclusion*

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian D. Nguyen whose telephone number is (571) 272-3084. The examiner can normally be reached on 7:30-6:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



7/28/05

BRIAN NGUYEN  
PRIMARY EXAMINER